

524 Rec'd PTO 07 DEC 1999

FORM PTO-1390 (Modified)
(REV 10-95)

U.S. DEPARTMENT OF

COMMERCE PATENT AND TRADEMARK OFFICE

POCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

00960-5

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

09/445328

INTERNATIONAL APPLICATION NO.
PCT/US98/03197

INTERNATIONAL FILING DATE
5 May 1998

PRIORITY DATE CLAIMED
5 May 1997

TITLE OF INVENTION

THERAPIES FOR ACUTE RENAL FAILURE

APPLICANT(S) FOR DO/EO/US

SAMPATH, Kuber T.; COHEN, Charles M.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ A copy of the International Search Report (PCT/ISA/210).
8. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
9. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
10. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
11. ☒ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 13 to 18 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
A **SECOND** or **SUBSEQUENT** preliminary amendment.
16. ☐ A substitute specification.
17. ☐ A change of power of attorney and/or address letter.
18. ☒ Certificate of Mailing by Express Mail
19. ☒ Other items or information:

Small Entity Statement; Petition to Revive Unintentional Abandonment and Fee

Express Mailing Label No.: EM515800173US
Deposited: 7 December 1999

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.445(a)(2)) 09/445328	INTERNATIONAL APPLICATION NO. PCT/US98/03197	ATTORNEY'S DOCKET NUMBER 00960-514
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20. The following fees are submitted:

BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :

- ☒ Search Report has been prepared by the EPO or JPO **\$930.00**
- ☐ International preliminary examination fee paid to USPTO (37 CFR 1.482) **\$720.00**
- ☐ No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) **\$790.00**
- ☐ Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO **\$1,070.00**
- ☐ International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) **\$98.00**

ENTER APPROPRIATE BASIC FEE AMOUNT =**CALCULATIONS PTO USE ONLY**

Surcharge of **\$130.00** for furnishing the oath or declaration later than ☐ 20 ☒ 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	115 - 20 =	95	x \$22.00	\$2,090.00
Independent claims	8 - 3 =	5	x \$82.00	\$410.00
Multiple Dependent Claims (check if applicable). <input checked="" type="checkbox"/>				\$270.00
TOTAL OF ABOVE CALCULATIONS =				\$3,830.00

Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable). ☒

SUBTOTAL = \$1,915.00

Processing fee of **\$130.00** for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).

TOTAL NATIONAL FEE = \$1,915.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). ☐

TOTAL FEES ENCLOSED = \$1,915.00

Amount to be: refunded	\$
charged	\$

- ☒ A check in the amount of **\$1,915.00** to cover the above fees is enclosed.
- ☐ Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **50-0311** A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

ELRIFI, Ivor R.
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
One Financial Center
Boston, Massachusetts 02111
United States of America

SIGNATURE

Ivor R. Elrifi

NAME

39,529

REGISTRATION NUMBER

7 December 1999

DATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Cohen and Sampath
ASSIGNEE: CREATIVE BIOMOLECULES
SERIAL NUMBER: Claims priority to PCT/US98/03197 EXAMINER: Not Yet Assigned
FILING DATE: ART UNIT: Not Yet Assigned
FOR: THERAPIES FOR ACUTE RENAL FAILURE

**STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c) – SMALL BUSINESS CONCERN)**

I hereby state that I am an official of the small business concern empowered to act on behalf of the concern identified below:

CREATIVE BIOMOLECULES, INC.
101 Huntington Ave., Suite 2400
Boston, MA 02199

I hereby state that the above identified small business concern qualifies as a small business concern, as defined in 13 C.F.R. § 121, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to, and remain with, the small business concern identified above with regard to the invention described in:

- ☒ the specification filed herewith with title as listed above;
☐ the application identified above; or
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c), if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

APPLICANTS: Cohen and S. [redacted] th

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Each person, concern, or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.
☐ each such person, concern, or organization is listed below: *

* Note: Separate Statements Claiming Small Entity Status are required from each named person, concern, or organization having rights to the invention. 37 C.F.R. § 1.27.

Full Name:

Address:

☐ Individual ☐ Small Business Concern ☐ Non-profit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. 37 C.F.R. § 1.28(b).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of person signing:

Cheryl Lawton

Title in organization of person signing:

Vice President, General Counsel

Address of person signing:

CREATIVE BIOMOLECULES, INC.
101 Huntington Ave., Suite 2400
Boston, MA 02199

Signature: _____

Cheryl Lawton

Date: _____

12/1/99

TRADOCS:1262410.1(R22Y01!.DOC)